

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

LEE LOPEZ,

Plaintiff,

vs.

DON BLANDO, PROBATION  
OFFICER; TONY BERRAT,  
PROBATION AND PAROLE; ANN  
SHAE, PROSECUTOR; BUTTE  
SILVER BOW DETENTION CENTER,  
MARK JOHNSON,

Defendants.

CV 21-75-BU-BMM

ORDER

Plaintiff Lee Lopez filed a Complaint pursuant to 42 U.S.C. § 1983. (Doc. 2.) Liberally construed, Mr. Lopez alleges cruel and unusual punishment and a denial of medical care in violation of the Eighth Amendment. *Id.* at 3-5. Additionally, it appears he may be attempting to advance some form of a due process violation. *Id.* at 7-9. Mr. Lopez did not pay the filing fee nor did he submit a motion to proceed in forma pauperis with his filing.

In order to institute a civil action in federal court, a plaintiff must either pay

a filing fee of \$400.00 as required by 28 U.S.C. § 1914(a) or file a motion to proceed in forma pauperis under 28 U.S.C. § 1915. On October 7, 2021, the Clerk of Court's Office sent Mr. Lopez a letter advising him of this requirement. Mr. Lopez did not respond. Additionally, it appears Mr. Lopez is no longer in custody at the Butte Silver Bow Detention Center, but he has failed to provide the Court with an updated mailing address. See, (Doc. 4.)

Accordingly, the Court issues the following:

#### ORDER

1. Mr. Lopez must either pay the statutory filing fee of \$400.00 or submit a motion to proceed in forma pauperis (on the form to be provided by the Clerk of Court) on or before **November 10, 2021**. If Mr. Lopez files a motion to proceed in forma pauperis and he is incarcerated, he must file a copy of his inmate trust account statement for the six-months immediately preceding the filing of his Complaint. If he has not been incarcerated for the entire six months, he must inform the Court and submit account statements for the length of time he has been incarcerated.

2. A failure to comply with this Order will result in dismissal of this matter.

3. At all times during the pendency of this action, Mr. Lopez shall immediately advise the Court of any change of address and its effective date.

Failure to file a Notice of Change of Address may result in the dismissal of the action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

DATED this 20th day of October, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brian Morris, Chief District Judge  
United States District Court